



Hogan Lovells US LLP
390 Madison Avenue
New York, NY 10017
T +1 212 918 3000
F +1 212 918 3100
www.hoganlovells.com

February 13, 2020

VIA ECF

The Honorable John G. Koeltl
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

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DATE FILED: 2-14-20

Re: *Obesity Action Coalition v. Healthplus HP, LLC, et al.*, 19-cv-03491-JGK (S.D.N.Y.)

Dear Judge Koeltl:

We represent defendants Empire Healthchoice HMO, Inc., Empire Healthchoice Assurance, Inc., and Healthplus HP, LLC (collectively, "Defendants") in the above-referenced action. We write, with the consent of Plaintiffs, to respectfully request an extension of time for Defendants to move to dismiss Plaintiffs' First Amended Complaint, Dkt. No. 29, filed on January 14, 2020. Pursuant to this Court's December 5, 2020 Order, Dkt. No. 27, Defendants' motion is presently due February 18, 2020.

The Amended Complaint adds a new plaintiff—"John Doe"—whom Plaintiffs do not identify by name. The parties are meeting and conferring about whether Plaintiffs are willing to disclose John Doe's identity to Defendants. Plaintiffs' response will have a direct bearing on Defendants' motion to dismiss the Amended Complaint.

In order to complete the meet and confer process before Defendants finalize and file their motion to dismiss, Defendants respectfully request that their deadline to move to dismiss the Amended Complaint be extended to March 10, 2020; Plaintiffs' deadline to file an opposition be extended to April 7, 2020; and Defendants' deadline to file a reply be extended to April 21, 2020. This is Defendants' first request for an extension to move to dismiss the Amended Complaint.

Respectfully submitted,

/s/ Miranda L. Berge

Miranda L. Berge
miranda.berge@hoganlovells.com
(202) 637-5600

cc: All Counsel of Record, *via ECF*

Granted.
Miranda Berge
2/14/20
Part I